

2024738-7030240000



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Maenle, et al.**

**Serial No.: 10/008,379**

**Filed:** November 5, 2001

## For: CYTOLOGICAL IMAGING SYSTEMS AND METHODS

**Group Art Unit: 2621**

**Examiner:** Not-Yet-Assigned

# REQUEST FOR CORRECTED FILING RECEIPT TRANSMITTAL

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is a request for a corrected filing receipt for the above-identified application. Enclosed are the following:

- ☒ Request for a corrected filing receipt (2 pages);
- ☒ Marked up version of filing receipt (2 pages);
- ☒ Copy of Declaration (3 pages);

**CERTIFICATE OF MAILING TRANSMISSION**  
**(37 C.F.R. §1.8)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Washington, D.C. 202031

April 29, 2003

Date of deposit

Carolyn Tobias

Name of Person transmitting Paper,

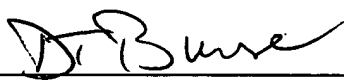
Signature of Person depositing Paper

- ☒ Transmittal with certificate of mailing (2 pages);  
☒ Return receipt postcard

Respectfully submitted,

BIGHAM McCUTCHEN LLP

Dated: 4-24-03

By:   
David T. Burse  
Reg. No. 37,104

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4400



PATENT  
CYM-037  
2024738-7030240000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Maenle, et al.**

**Serial No.: 10/008,379**

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**For:** CYTOLOGICAL IMAGING  
SYSTEMS AND METHODS

**Group Art Unit:** 2621

**Examiner:** Not-Yet-Assigned

**REQUEST FOR A CORRECTED FILING RECEIPT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

As a result of the submission of the declaration on 5/21/2002 (copy enclosed herewith), please furnish the undersigned with a corrected Filing Receipt for the above-identified application. A marked up copy of the Filing Receipt is attached. The correction needed is as follows:

Please remove Roy Ostgaard, Kevin Predmore, Mark Wilson, Howard Greene, Theodore S. Geilselman, David Zahniser, Steven Meuse, and Scott Danhof as applicants of the above identified application a insert Garrick Maenle. Applicants to read as follow, in corrected filing receipt:

**Applicant(s)**

Garrick Maenle, Columbus, OH;  
William Knox, West Jefferson, OH;

- ☒ Although applicant believes no fee is required, the Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. **50-2518** for any fees required that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account **50-2518**

Dated: \_\_\_\_\_

4/24/03

Respectfully submitted,

BIGHAM McCUTCHEN LLP

By: \_\_\_\_\_

*David T. Burse*

David T. Burse

Reg. No. 37,104

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4400



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 10/008,379         | 11/05/2001  | 2621         | 0.00          | CYM-037         | 35       | 101        | 10         |

CONFIRMATION NO. 4705

## FILING RECEIPT



\*OC000000007226631\*

021323

TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

Date Mailed: 12/21/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) Garrick Maenle, Columbus, OH;

[Roy Ostgaard, Marion, NC;]  
[Kevin Predmore, Heath, OH;]  
[Mark Wilson, Columbus, OH;]  
[Howard Greene, Worthington, OH;]  
[Theodore S. Geiselman, Bolton, MA;]  
[David Zahniser, Wellesley, MA;]  
[Steven Meuse, Londonderry, NH;]  
William Knox, West Jefferson, OH;  
[Scott Danhof, Plain City, OH;]

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/245,971 11/03/2000  
AND A CIP OF 09/430,198 10/29/1999  
AND A CIP OF 09/430,116 10/29/1999

## Foreign Applications

If Required, Foreign Filing License Granted 12/21/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**Title**

Cytological imaging systems and methods

**Preliminary Class**

382

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

MAY 05 2003

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**DECLARATION AND POWER  
OF ATTORNEY FOR UTILITY  
OR DESIGN**

**PATENT APPLICATION**

☐ Declaration ☒ Declaration  
Submitted with Submitted after Initial  
Initial Filing Filing (surcharge  
37 CFR 1.16(e) required)

|                           |                   |
|---------------------------|-------------------|
| Attorney Docket No.       | CYM-037 (2174/49) |
| First Named Inventor      | Maenle            |
| <b>COMPLETE IF KNOWN</b>  |                   |
| Application Serial Number | 10/008,379        |
| Filing Date               | 11/05/01          |
| Group Art Unit            | Not Yet Assigned  |
| Examiner Name             | Not Yet Assigned  |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Cytological Imaging Systems and Methods

(Title of the Invention)

the specification of which

☐ is attached hereto  
OR

☒ was filed on 11/05/01 as United States Application Serial Number or PCT International  
(MM/DD/YYYY)

Application Number 10/008,379 and is amended by the preliminary amendment filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information known by me which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority<br>Not Claimed  | Certified Copy Attached? |                          |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |         |                                     | <input type="checkbox"/> | YES                      | NO                       |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Serial Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application<br>serial numbers are listed on a<br>supplemental priority data sheet<br>attached hereto. |
|------------------------------|--------------------------|---|
| 60/245,971                   | 11/03/2000               |   |

# Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 10/008,379

Atty. Docket No. CYM-037

Page 2 of 3

## DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent<br>Serial Number | Parent Filing Date<br>(MM/DD/YYYY) | Parent Patent Number<br>(if applicable) |
|--|------------------------------------|---|
| 09/430,198   | 10/29/1999                         |   |
| 09/430,116   | 10/29/1999                         |   |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number  → 

Place Customer  
Number Bar Code  
Label Here

OR

☒ Registered practitioner(s) name/registration number listed below

| Name                   | Registration<br>Number | Name                  | Registration<br>Number |
|------------------------|------------------------|-----------------------|------------------------|
| Michael J. Bastian     | 47,411                 | John D. Lanza         | 40,060                 |
| Steven M. Bauer        | 31,481                 | Kurt W. Lockwood      | 40,704                 |
| Elias C. Behrakis      | 47,416                 | Leigh J. Martinson    | 50,749                 |
| Mark L. Beloborodov    | 50,773                 | Thomas C. Meyers      | 36,989                 |
| John V. Bianco         | 36,748                 | Joseph B. Milstein    | 42,897                 |
| Robert S. Blasi        | 50,389                 | David G. Miranda      | 42,898                 |
| Maureen A. Bresnahan   | 44,559                 | Ronda P. Moore        | 44,244                 |
| Michael H. Brodowski   | 41,640                 | Jeremy Oczek          | 50,794                 |
| Jennifer A. Camacho    | 43,526                 | Edmund R. Pitcher     | 27,829                 |
| Joseph A. Capraro, Jr. | 36,471                 | Jamie H. Rose         | 45,054                 |
| Christopher H. Chung   | 50,351                 | David L. Schuler      | 51,190                 |
| John J. Cotter         | 38,116                 | Christopher W. Stamos | 35,370                 |
| Robert V. Donahoe      | 46,667                 | Diana M. Steel        | 43,153                 |
| Brian A. Fairchild     | 48,645                 | Joseph P. Sullivan    | 45,349                 |
| John V. Forcier        | 42,545                 | Robert J. Tosti       | 35,393                 |
| Steven J. Frank        | 33,497                 | Thomas A. Turano      | 35,722                 |
| Kia L. Freeman         | 47,577                 | Christine C. Vito     | 39,061                 |
| Brian M. Gaff          | 44,691                 | Patrick R.H. Waller   | 41,418                 |
| Duncan A. Greenhaigh   | 38,678                 | Daniel A. Wilson      | 45,508                 |
| Ira V. Heffan          | 41,059                 | Gerald E. Worth       | 45,238                 |
| Danielle L. Herritt    | 43,670                 | Yin P. Zhang          | 44,372                 |
| Douglas J. Kline       | 35,574                 |                       |                        |

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

Patent Administrator  
Testa, Hurwitz & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
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Fax No.: (617) 248-7100



## Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. 10/008,379

Atty. Docket No.

Page 3 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |      |   |       |    |                        |       |              |      |  |
|--|------|---|-------|----|------------------------|-------|--------------|------|--|
| Name of Sole or First Inventor:  |      | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |    |                        |       |              |      |  |
| Given Name (first and middle [if any])   |      |   |       |    | Family Name or Surname |       |              |      |  |
| Garrick  |      |   |       |    | Maenle                 |       |              |      |  |
| Inventor's Signature   |      |   |       |    |                        |       | Date         |      |  |
| <i>Daniel 2. Maenle</i>  |      |   |       |    |                        |       | 5/17/02      |      |  |
| Residence  | City | Columbus  | State | OH | Country                | USA   | Citizenship  | U.S. |  |
| Mailing Address  |      | 1136 Neil Avenue  |       |    |                        |       |              |      |  |
| Mailing Address (In. 2)  | City | Columbus  | State | OH | ZIP                    | 43201 | Country      | USA  |  |
| <input type="checkbox"/> Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) attached hereto. |      |   |       |    |                        |       |              |      |  |
| Name of Additional Joint Inventor, if any:   |      | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |    |                        |       |              |      |  |
| Given Name (first and middle [if any])   |      |   |       |    | Family Name or Surname |       |              |      |  |
| William  |      |   |       |    | Knox                   |       |              |      |  |
| Inventor's Signature   |      |   |       |    |                        |       | Date         |      |  |
| <i>William J. Knox</i>   |      |   |       |    |                        |       | Aug 17, 2002 |      |  |
| Residence  | City | West Jefferson  | State | OH | Country                | USA   | Citizenship  | U.S. |  |
| Mailing Address  |      | 5185 Goodson Road   |       |    |                        |       |              |      |  |
| Mailing Address (In. 2)  | City | West Jefferson  | State | OH | ZIP                    | 43162 | Country      | USA  |  |
| Name of Additional Joint Inventor, if any:   |      | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |    |                        |       |              |      |  |
| Given Name (first and middle [if any])   |      |   |       |    | Family Name or Surname |       |              |      |  |
|  |      |   |       |    |                        |       |              |      |  |
| Inventor's Signature   |      |   |       |    |                        |       | Date         |      |  |
|  |      |   |       |    |                        |       |              |      |  |
| Residence  | City |   | State |    | Country                |       | Citizenship  |      |  |
| Mailing Address  |      |   |       |    |                        |       |              |      |  |
| Mailing Address (In. 2)  | City |   | State |    | ZIP                    |       | Country      |      |  |

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